

SUBCHAPTER 3 – SCHOOL-AGE CHILD CARE CENTER**INTRODUCTION****101482 ISSUANCE OF A SCHOOL-AGE CHILD CARE CENTER LICENSE 101482****(LICENSED/EXEMPT BEFORE- AND/OR AFTER-SCHOOL PROGRAMS)****POLICY**

Because it is becoming more common for licensed and exempt before- and/ or after-school programs to operate simultaneously on the same premises, several policy clarifications are being provided to address the special problems that these situations can pose.

Exempt School-Age Programs

A school-age program can be exempt for any of the following reasons:

- Exempt under Title 22, Section 101158, and Health and Safety Code Section 1596.792. (NOTE: Under Title 22, Section 101158(a)(8), and Health and Safety Code Section 1596.792(h), an extended day care program operated by a public or private school is exempt from licensure. This exemption includes an extended day care program that is operated by a public or private school at a single site and serves children from multiple schools if all of the schools are located in the same school district.)
- Exempt because it is part of an exempt pilot project established by the Legislature. The “6 to 6” program in San Diego, created by Assembly Bill 181, Chapter 851, Statutes of 1999, is an example of such a program (see Health and Safety Code Section 1596.7927). This pilot project sunsets January 1, 2002 unless legislation extending its provisions is enacted.
- Exempt because the school is the site of an exempt after-school program operated under the After-School Learning and Safe Neighborhoods Partnerships Program (see Education Code Section 8482). These programs are operated with grant money awarded by the California Department of Education to local educational agencies, or to a city, county, or nonprofit organization in partnership with, and with the approval of, a local educational agency or agencies. By law, these programs must have a 1:20 staff-to-child ratio and must not exceed 20 hours per week. (Notes: A copy of the grant award letter should be kept on file at each exempt school site. As an alternative, the school district or the local education agency may provide the District Office with a copy of the grant award letter and a list of the exempt school sites for the administrative file. Questions or complaints regarding one of these exempt programs should be initially referred to the school site principal for clarification of the school district’s policies regarding the After-School Learning and Safe Neighborhoods Partnerships Program. If issues cannot be resolved at that level, questions or complaints should be referred to California Department of Education Healthy Start and After-School Partnerships Office at (916) 657-3558, phone; or (916) 657-4611, fax).

101482 ISSUANCE OF A SCHOOL-AGE CHILD CARE CENTER LICENSE 101482
(Continued)
(LICENSED/EXEMPT BEFORE- AND/OR AFTER-SCHOOL PROGRAMS)**POLICY (Continued)****Twenty-First Century Program**

After-school programs funded by the federal Twenty-First Century program are not exempt just because of their funding source. These programs may or may not need to be licensed based on the configuration of the program. Evaluate these programs on a case-by-case basis.

Allowance of Additional Children

In addition, under Health and Safety Code Section 1596.807, an exempt or a licensed extended day care program can serve additional children who are not from the school or the school district if the following criteria are met:

- a. The children are four years and nine months of age or older. And:
- b. The number of additional children, including dependent children living within the same household as a child attending the school, does not exceed 15 percent of the total enrollment of the extended day care program. The enrollment of the extended day care program (including the additional 15 percent) can never exceed the enrollment during the regular school day. (Without the last provision, attendance in the extended day care program would probably jump during school holidays and become unmanageable.) Example: 400 enrolled in school, 340 must be from the school, 60 from outside (400 multiplied by 15% = 60); or 100 enrolled in the extended day care program, 85 children must be from the school, 15 from the outside (100 multiplied by 15% = 15).

PROCEDURE

If the licensee operates both licensed and exempt before- and/or after-school programs at the same site, the licensee must do the following:

1. Provide a clear description of the areas used for the licensed program.
2. In accordance with Title 22, Section 101173, revise the plan of operation to indicate that the licensee operates both licensed and exempt programs at the same site. Include any other related changes that affect the licensed program, such as sharing indoor activity space as specified in Evaluator Manual Section 101538.3.
3. In accordance with Title 22, Section 101219, clarify in the admission agreement that the licensee operates both licensed and exempt programs at the same site.
4. For the exempt program, provide specific beginning/ending dates and times during the day that the program operates.

101482 ISSUANCE OF A SCHOOL-AGE CHILD CARE CENTER LICENSE 101482
(Continued)
(LICENSED/EXEMPT BEFORE- AND/OR AFTER-SCHOOL PROGRAMS)**PROCEDURES (Continued)**

5. Unless the exempt program falls under Title 22, Section 101158, demonstrate why the program is exempt. For example, for exempt programs operated under the After-School Learning and Safe Neighborhoods program, a copy of the grant award letter may be kept on file at each exempt site. If the licensee fails to provide proof of the program's exempt status, make a note to that effect in the file and follow the procedures for operating over capacity.

For other information regarding licensed/exempt after-school programs operating simultaneously on a public or private school site, please see the following:

- Evaluator Manual Section 101482 (Issuance of a School-Age Child Care Center License)
- Evaluator Manual Section 101515 (School-Age Child Care Director Qualifications and Duties)
- Evaluator Manual Section 101516.5 (Teacher-Child Ratio: Flexible Ratios at Beginning/End of Day)
- Evaluator Manual Section 101516.5 (Teacher-Child Ratio: Use of a "Buddy System" for Going to the Bathroom)
- Evaluator Manual Section 101516.5 (Teacher-Child Ratio: Use of an Aide in Place of a Teacher When Children Are Being Transported)
- Evaluator Manual Section 101538.2 (Outdoor Activity Space for School-Age Children: Planned Activities)
- Evaluator Manual Section 101538.3 (Indoor Activity Space for School-Age Children: Shared Space)
- Evaluator Manual Section 101538.3 (Indoor Activity Space for School-Age Children: Program Separation)
- Evaluator Manual Section 101538.3 (Indoor Activity Space for School-Age Children: Planned Activities)

SUBCHAPTER 3 - SCHOOL-AGE CHILD CARE CENTER**ARTICLE 6 CONTINUING REQUIREMENTS****101482 ISSUANCE OF A SCHOOL-AGE CHILD CARE CENTER LICENSE 101482****POLICY**

It is the Department's policy to foster flexibility in the use of space in school-age child care centers operated on a functioning school site. For example, sometimes school personnel ask licensed school-age programs to move into alternate space on short notice. If the Department has not already inspected the alternate space, the move may be delayed until a licensing visit can be made. To the extent possible, it is the Department's policy to avoid such delays. This policy only applies to school-age programs operated on a functioning school site.

PROCEDURE

1. As part of the plan of operation required in Title 22, Section 101173, have the licensee/applicant identify any alternate space/rooms that the school-age program may wish to use in the future. Any capacity issues relating to current space vs. alternate space must also be addressed in the plan of operation.
2. At the pre-licensing visit, inspect and pre-approve the alternate space identified by the applicant/licensee in the plan of operation.
3. If the licensee intends to actually move into any of the pre-approved alternate space, he or she must do the following:
 - Notify the Department immediately of the date of the move and the alternate space to be occupied by the school-age child care center.
 - In accordance with Title 22, Section 101173(b)(7), revise the plan of operation and/or the facility sketch to indicate which alternate rooms are now to be used by the school-age child care center. Mail a copy of the revised plan of operation and/or facility sketch to the District Office.
3. Do not make another site visit to re-inspect the pre-approved alternate space unless the District Office determines it is necessary based on individual circumstances at the site, the facility's compliance history, etc.
4. If the licensee intends to move into alternate space that has not been pre-approved (including portable buildings), follow normal procedures and make a licensing visit to inspect the space prior to use.

**101515 SCHOOL-AGE CHILD CARE DIRECTOR
QUALIFICATIONS AND DUTIES****101515****(b) POLICY**

Where both a licensed and an exempt before-and/or after-school program operate at the same time on the same premises, it is the Department's policy to allow the director of the licensed program to also be the director/site supervisor of the exempt program.

PROCEDURE

1. The director of the licensed program must meet the requirements of Title 22, Section 101515.
2. In accordance with Title 22, Section 101173(b)(5), the licensee must revise the plan of operation to reflect that the director of the licensed program is also serving as the director/site supervisor of the exempt program. The director's duty statement should be revised to: a) include the new duties that the director will assume with regard to the exempt program; and b) demonstrate how the director intends to meet the duties of both the licensed and exempt programs.
3. In accordance with Title 22, Section 101215.1(f), if the director is absent, the director must leave a fully qualified teacher in charge of the licensed program. Where the director of the licensed program is also the director of the exempt program, this applies only to the licensed program—since licensing laws and regulations do not apply to exempt programs.
4. The director must be able to meet the needs of the licensed program while also working as the director/site supervisor of the exempt program.
 - If the director is not able to meet the needs of the licensed program, cite the licensee under Title 22, Section 101216(a), for failure to meet the needs of children in care.
 - If the District Office determines that the director is not able to meet the needs of the licensed program on a continuous basis, cite the licensee for failure to meet the terms of the facility's plan of operation submitted pursuant to Title 22, Section 101173. The facility's plan of correction must include a revised plan of operation indicating separate directors for the licensed and exempt programs.

101516.5 TEACHER-CHILD RATIO**101516.5****(b) POLICY****(FLEXIBLE RATIOS AT BEGINNING/END OF DAY)**

A licensed school-age center may exceed the teacher-child ratios in Title 22, Section 101516.5, by 15 percent during “transition times” when children are entering and leaving the center. The following applies to transition times:

- a. each transition time can be no longer than one hour (60 minutes);
- b. only two transition times a day are allowed under this policy; and
- c. transition times cannot be consecutive.

The purpose of this policy is to allow licensed school-age centers some flexibility in staffing ratios when children check into and out of the center and the center’s population may fluctuate slightly as a result. This means that during the designated transition times, the staffing ratio may be 1:16.

The 15 percent is calculated by multiplying 15 percent by 14 (based on the school-age teacher-child ratio of 1:14). Thus, under this policy, a school-age teacher could supervise up to 16 children during “transition times.” This policy does not in any way relieve the licensee of the responsibility to provide adequate care and supervision to children.

PROCEDURE

1. A waiver to Title 22, Section 101516.5(b) (teacher-child ratios for school-age programs), is required.
2. A licensee of a school-age center who wishes to obtain a waiver to Title 22, Section 101516.5(b), for the purposes of this policy must submit a revised plan of operation to the Department per Title 22, Section 101173(c). Documentation in the revised plan of operation must explain why the waiver is necessary and will constitute the substantiating evidence for the waiver required by Title 22, Section 101175(b)(2). Assuming the waiver request is acceptable, the District Office will grant the waiver when approving the plan of operation.
3. As part of the revised plan of operation, the licensee must identify the proposed hours of transition time.
4. In the admission agreement required by Title 22, Section 101219, the licensee must inform each child’s authorized representative of the center’s modified staffing ratio during transition times when children are entering and leaving the center.

101516.5 TEACHER-CHILD RATIO (Continued)**101516.5****(b) POLICY (Continued)****(USE OF A “BUDDY SYSTEM” FOR GOING TO THE BATHROOM)**

It is the Department’s policy to allow a school-age child who is in the fourth grade or above to go to the bathroom with another child who is also in the fourth grade or above without being supervised by a teacher or an aide when this can be done safely. This is known as the “buddy system.” It recognizes that school-age children in this age group go to the bathroom on their own during the regular school day. (However, a child who is in the fourth grade or above cannot escort a younger child to the bathroom; both “buddies” must be in the fourth grade or above.)

Use of the buddy system will be allowed only when an individual assessment of the circumstances indicates that it is appropriate. This policy does not in any way relieve the licensee of the responsibility to provide adequate care and supervision to children.

PROCEDURE

1. A waiver to Title 22, Section 101229(a)(1), is required if a school-age program is to allow school-age children to go to the bathroom using the buddy system. (This section states that no child shall be left without the supervision of a teacher at any time, except if an aide is being used in place of a teacher to supervise napping children or escort children to the bathroom.)
2. A licensee of a school-age center who wishes to obtain a waiver to Title 22, Section 101229(a)(1), must submit a revised plan of operation to the Department per Title 22, Section 101173(c). Documentation in the revised plan of operation must explain why the waiver is necessary and will constitute the substantiating evidence for the waiver required by Title 22, Section 101175(b)(2). If the waiver request is acceptable, the District Office will grant the waiver when approving the plan of operation. The District Office will grant or deny the waiver based on an assessment by licensing staff of the appropriateness of using the buddy system under the circumstances described by the licensee.
3. As part of the revised plan of operation, the licensee must:
 - Describe the individual circumstances of the program site and the children being served. Describe the facility’s policies and procedures that ensure proper safeguards are in place. Topics to be covered include but are not limited to:
 - a. Age and gender of the children (opposite-sex “buddies” are acceptable if determined to be appropriate by the center and if approved by the District Office as part of the plan of operation).

101516.5 TEACHER-CHILD RATIO (Continued)**101516.5****PROCEDURE (Continued)**

- b. Assessment of whether it is appropriate for all of the children to participate in the “buddy system” based on such factors as the maturity level and social skills of individual children.
 - c. Location of the bathrooms in relation to the rooms used for the school-age program. Are the bathrooms nearby? Or are they located in another building, away from the program site? Are the bathrooms located in or near areas unfamiliar to the children?
 - d. General safety of the children, including children’s familiarity with their surroundings; whether the program will operate after dark; and whether other people have access to the premises.
- Indicate that school-age children using the buddy system will only be permitted to use the bathrooms located closest to the school-age program.
 - Demonstrate what kind of sign-out plan the center will use to ensure that center staff know which children are gone and for how long.
 - Indicate how many pairs of children (“buddies”) will be allowed to go to the bathroom at one time. This will be determined in part by how many bathroom stalls are available. The Department recommends that no more than two pairs of children be allowed to go to the bathroom at one time.
5. If the waiver is approved, the licensee must inform each child’s authorized representative, in the admission agreement required by Title 22, Section 101219, that children who are in the fourth grade and above will be allowed to go to the bathroom on their own using the buddy system.

(b)**POLICY****(USE OF AN AIDE IN PLACE OF A TEACHER WHEN
CHILDREN ARE BEING TRANSPORTED)**

In a licensed school-age center, an aide who is at least 18 years old, and who meets the requirements of Title 22, Sections 101216 and 101216.2, may be used in place of a teacher to supervise children when children are being transported from one site to another for a facility function. For example, this policy would apply when children are being transported in a van or bus to a facility field trip, or when children are being picked up at school by a facility van or bus and transported to the center for after-school care. It would also apply when a group of children are walking from one facility function to another on the center or school campus premises.

101516.5 TEACHER-CHILD RATIO (Continued)**101516.5**

The 1:14 ratio applies when aides are used in a transporting/walking capacity. Aides cannot be used in place of teachers to supervise children while children are at the site of the facility function itself.

In addition, aides who are used in this capacity must have current course completion cards in pediatric first aid and cardiopulmonary resuscitation (CPR). Under Title 22, Section 101216(f), and Health and Safety Code Section 1596.866(b), a staff member, trained in pediatric first aid and CPR must be present with the children when children are at the child care center or offsite for center activities (including en route to facility activities.)

PROCEDURE

1. A waiver to Title 22, Section 101216.2(e)(1), is required if aides are to be used in this capacity. (This section specifies that an aide can only work under the direct supervision of a teacher.)
2. A licensee of a school-age center who wishes to obtain a waiver to Title 22, Section 101216.1(e)(1), must submit a revised plan of operation to the Department per Title 22, Section 101173(c). Documentation in the revised plan of operation must explain why the waiver is necessary and will constitute the substantiating evidence for the waiver required by Title 22, Section 101175(b)(2). Assuming the waiver request is acceptable, the District Office will grant the waiver when approving the plan of operation.
3. As part of the revised plan of operation, the licensee must:
 - Identify anticipated facility functions and activities during which an aide would be used in place of a teacher to supervise children when they are being transported from one site to another for a facility function.
 - Indicate that aides who are used in this capacity will have current course completion cards in pediatric first aid and CPR.
 - Indicate how emergencies would be handled when an aide is used in place of a teacher to supervise children when they are being transported from one site to another for a facility function.
4. In the admission agreement required by Title 22, Section 101219, the licensee must inform each child's authorized representative that the center will use aides in place of teachers to supervise children when children are being transported from one site to another for a facility function.

SUBCHAPTER 3 - SCHOOL-AGE CHILD CARE CENTER**ARTICLE 6 CONTINUING REQUIREMENTS****101538.2 OUTDOOR ACTIVITY SPACE FOR SCHOOL-AGE CHILDREN 101538.2****(b) POLICY
(PLANNED ACTIVITIES)**

Where both a licensed and an exempt before and/or after-school program operate at the same time on the same premises, it is the Department's policy to allow children in the licensed and exempt programs to be commingled for planned activities. Planned activities are joint, time-limited activities; and may take place either outdoors (or indoors; see Evaluator Manual Section 101538.3(b), Planned Activities.) Examples of planned activities include parties, baseball games, and watching a movie. This policy is not a blanket approval to allow children to be commingled at any time at the convenience of the programs. Planned activities are intended to be short-term activities—not ongoing, daylong activities.

Teacher-child ratios specified in Title 22, Section 101516.5, must be met during planned activities for children in the licensed program. Staff-child ratios paralleling those specified in Title 22, Section 101516.5, must be met during planned activities for children in the exempt program. Since children from the licensed and exempt programs will be commingled during planned activities, staff from the licensed and exempt programs will share supervisory duties and must ensure that appropriate staffing ratios are maintained at all times during planned activities.

In addition, children attending school-age programs in two geographically separate sites may be commingled for planned activities. This would be considered a field trip for children from a licensed program who travel to another site to participate in a planned activity.

Children not enrolled in either the licensed or the exempt school-age program CANNOT participate in planned activities.

PROCEDURE**Square Footage/Fencing**

Determine the square-footage/fencing requirements for the shared outdoor activity space based on the following:

- **Public or private school sites.** If the shared outdoor activity space is located on a functioning public or private school site, then the site is exempt from square-footage and fencing requirements for child care centers per Title 22, Section 101538.2(c)(1) and Health and Safety Code Section 1596.806(b).
- **Other sites.** If the shared outdoor activity space is NOT located on a functioning public or private school site, then there must be 75 square feet of outdoor activity space per child [Title 22, Section 101238.2(a)]. There must also be a fence at least four feet high around the outdoor activity space [Title 22, Section 101238.2(g)].

**101538.2 OUTDOOR ACTIVITY SPACE FOR
SCHOOL-AGE CHILDREN (Continued)****101538.2****Plan of Operation**

In accordance with Title 22, Section 101173, the licensed school-age program must revise its plan of operation to:

1. Indicate that the licensed program intends to participate in planned activities with an exempt program.
2. Identify the site of the exempt program.
3. Identify the planned activities.
4. Identify the circumstances under which planned activities will take place, how often planned activities are expected to occur, and approximately how long planned activities are expected to last.
5. Indicate how the licensed and exempt programs intend to meet staffing ratios during planned activities. (See Policy above.)
6. Include any additional information as necessary.

**101538.3 INDOOR ACTIVITY SPACE FOR
SCHOOL-AGE CHILDREN****101538.3****POLICY
(SHARED SPACE)**

A licensed school-age program may share indoor activity space with an exempt school-age program or other group of children participating in an organized activity on the same premises. For example, a licensed program may use one end of a multi-purpose room and an exempt program or a Girl Scout troop may use the other end.

Under this policy, the following applies:

- No commingling, except as specified in Evaluator Manual Sections 101538.2(b) and 101538.3(b). These Evaluator Manual sections allow commingling of children in licensed and exempt after-school programs during “planned activities.”
- Program separation must be maintained.
- Children not enrolled in a school-age program or involved in an authorized organized activity CANNOT participate in activities taking place in the shared space.

**101538.3 INDOOR ACTIVITY SPACE FOR
SCHOOL-AGE CHILDREN (Continued)****101538.3****PROCEDURE****Square Footage/Room Capacity**

Determine the square-footage requirements for the shared indoor activity space based on the following:

- Public or private school sites. If the shared indoor activity space is located on a functioning public or private school site, the site is exempt from square-footage requirements for child care centers per Title 22, Section 101538.3(c)(1) and Health and Safety Code Section 1596.806(a). But the capacity per room cannot exceed the capacity for which the room is approved for use during the school day [Title 22, Section 101538.3(d)].
- Other sites. If the shared indoor activity space is NOT located on a functioning public or private school site, then there must be 35 square feet of indoor activity space per child in the licensed school-age program. [Title 22, Section 101238.3(a)]. When space is shared with the exempt program, the capacity cannot exceed the capacity for which the room(s) have been approved for fire-clearance purposes.

Shared Space/Program Separation

- A waiver is NOT required for shared space itself. However, a waiver may or may not be required for how program separation is to be maintained while space is being shared.
- A waiver is NOT required where program separation is to be achieved by use of a wall or four-foot partition as specified in Title 22, Section 101538.3(b)(1).
- A waiver to Title 22, Section 101538.3(b)(1), IS required where program separation is to be achieved through supervision and/or scheduling. In this case, see Evaluator Manual Section 101538.3(b), Program Separation (No. 2 under Procedure).

**101538.3 INDOOR ACTIVITY SPACE FOR
SCHOOL-AGE CHILDREN (Continued)****101538.3****Plan of Operation**

Whether or not the licensee seeks a waiver to Title 22, Section 101538.3(b)(1), if indoor activity space is to be shared, the licensee must revise the facility's plan of operation in accordance with Title 22, Section 101173(b). In the revised plan operation, the licensee must:

1. Indicate that the licensed school-age program intends to share indoor activity space.
2. Identify the indoor activity space to be shared.
3. Identify the group or groups of children that will share the indoor activity space.
4. Identify how the programs are to be kept separate. See Evaluator Manual Section 101538.3(b), Program Separation.
5. Specify the types of activities that will occur in the shared indoor activity space.
6. Specify the time(s) when the indoor activity space will be shared.
7. Include any additional information as necessary.

(b) POLICY**(PROGRAM SEPARATION)**

Where both a licensed and an exempt after-school program operate at the same time on the same premises, separation between the programs must be maintained. This separation may be achieved in one or a combination of the following ways:

- Physical separation as specified in Title 22, Section 101538.3(b). Physical separation is interpreted to mean a wall, or a movable wall or partition at least four feet high that is safe for use around children. In contrast, use of such items as a string of cones or garbage cans, or a curtain, to create physical separation would not be appropriate. These items may be moved by children and may even present a hazard to children.
- Separation achieved through supervision and/or scheduling.

**101538.3 INDOOR ACTIVITY SPACE FOR
SCHOOL-AGE CHILDREN (Continued)****101538.3****PROCEDURE**

1. If program separation is to be achieved through supervision and/or scheduling, a waiver to Title 22, Section 101538.3(b), is required. This regulation is interpreted to apply to separation between a licensed child care program and any other child care program.
2. A licensee who wishes to obtain a waiver to Title 22, Section 101538.3(b)(1), must submit a revised plan of operation to the Department per Title 22, Section 101173(c). Documentation in the revised plan of operation must explain why the waiver is necessary and will constitute the substantiating evidence for the waiver required by Title 22, Section 101175(b)(2). Assuming the waiver request is acceptable, the child care District Office will grant the waiver when approving the plan of operation.
3. As part of the revised plan of operation, the licensee must submit a clear description of the indoor activity areas to be used by the licensed program.
4. In the case of separation achieved through supervision, the licensee must document in the revised plan of operation how staff in the licensed program will set parameters and supervise children to ensure separation from the exempt program. For example, children from the licensed program may be using the west end of the cafeteria while children from the exempt program use the east end. How does the licensee intend to ensure that children in the licensed program stay in the west end of the cafeteria?
5. In the case of separation achieved through scheduling, the licensee must submit a written schedule that identifies the following: a) which rooms will and will not be rotated; b) time slots when the rooms will be rotated; and c) which program will occupy which room(s) during which time slot(s).

**101538.3 INDOOR ACTIVITY SPACE FOR
SCHOOL-AGE CHILDREN****101538.3****(b) POLICY
(PLANNED ACTIVITIES)**

Please see Evaluator Manual Section 101538.2(b), Outdoor Activity Space (Planned Activities), for the Department's policy on "planned activities" for licensed and exempt after-school programs. This policy also applies to indoor activity space.